

Matthew Miller-Novak

From: Matthew Miller-Novak
Sent: Thursday, June 12, 2025 11:37 AM
To: chris@cwiestlaw.com; Steve Simon; Andrew Prem
Cc: 'Thomas B. Bruns'; 'Zachary Gottesman'
Subject: RE: Davis v. McGuffey

Chris,

I do not think there is any reason to get so aggressive or emotional.

We will work on getting you some deposition dates. I am heading out on vacation, but Andy Prem will work on it with you. It is not going to be done by the "close of business Monday," and since we are fine providing you a response extension, I see no reason why it would need to be concluded by the close of business on Monday. Regarding that extension to file a response to the Motion for Summary Judgment, we will agree to an extension for some extra time if you want to make a proposal on that. Send us a proposal please.

We will certainly provide you with our discovery responses by July 7.

There is nothing "premature" about the Motion at all. This case has existed for a while, and the deadline for discovery was initially right around the corner. You asked for an extension during the depositions, and I agreed to it. I did not say that we needed any more time. I was just trying to accommodate your needs. More importantly, under FRCP 56(b), the time for a MSJ is "any time until 30 days after the close of all discovery," so it is not premature under the Rules either.

Regarding your protective order, I believe that we are engaged in a good faith discussion about its language, and I will email a response to your last comments later today. If your responses to a couple of my emails were quicker, it may be finished already. Either way, I think we will wrap it up, and the Local Rules require a conference call with the court before Motion practice under FRCP 37.

Regarding the mediation, we are still willing to mediate and explore options to see if the matter might be resolved in an amicable manner.

In summation, we are willing to discuss accommodating you regarding any of your concerns, but I think those discussions will be more productive if we turn the temperature down a little. Please feel free to propose a few things.

Sincerely,



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